

Message Text

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DRAFTED BY L/M:CLBLAKESLEY:EJS

APPROVED BY L/M:KEMALMBORG

L - MARK B. FELDMAN

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FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

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E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: PARIS 8135, 8036

1. THANK YOU FOR REFTELS AND ALL EFFORTS IN THIS
DIFFICULT CASE.

2. EMB IS INSTRUCTED TO PRESENT IN APPROPRIATE FORM
TO APPROPRIATE GOF AUTHORITIES THE INFORMATION DEPTTEL
57783. WE ARE ATTEMPTING TO HAVE IT PREPARED IN
AFFIDAVIT FORM AND WILL TRANSMIT IT TO EMBASSY ASAP.

3. THE INFORMATION IN THE FBI MEMORANDA RELATED TO

BLACK PANTHER PARTY AND HOLDER'S APPARENT NON-ASSOCIATION
WITH THAT PARTY NO LONGER APPEARS RELEVANT, SINCE DEFENSE
IS ALLEGING OPPOSITION TO WAR IN VIET-NAM AS BASIS FOR
ALLEGED POLITICAL NATURE OF CRIME. THEREFORE, DEPT
BELIEVES IT IS NOT NECESSARY TO PRESENT THOSE MEMORANDA.
IF EMB. AGREES, THEY SHOULD NOT BE SUBMITTED TO GOF
AUTHORITIES.

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4. WITH REGARD TO THE TAPE RECORDING IN COCKPIT, JUSTICE

HAS HAD THREE AFFIDAVITS PREPARED BY THE TWO PILOTS AND BY DIRECTOR OF CIVIL AVIATION SECURITY SERVICE, FEDERAL

AVIATION ADMINISTRATION WHICH RELATE TO SUBJECT'S DEFENSE. AS INDICATED STATE 73161, THESE AFFIDAVITS DO CONFIRM THAT SUBJECT MENTIONED HANOI AS POSSIBLE DESTINATION, BUT THAT HE DID NOT PURSUE THIS EVEN AFTER HE WAS ON BOARD AIRCRAFT THAT HAD CAPACITY TO FLY TO HANOI FROM SAN FRANCISCO. FELDMAN WILL CARRY THESE AFFIDAVITS WITH HIM TO PARIS ABOARD TWA 890 (DEPARTING WASHINGTON, D.C., WEDS, 7:30 P.M., D.C. TIME). MR. FELDMAN WILL BE AT HOTEL MASSENET. PLEASE RETRIEVE DOCS FROM MR. FELDMAN AT HOTEL THURSDAY MORNING.

5. DEPT IS PREPARING A MEMORANDUM OF LAW ON THE ISSUE OF POLITICAL OFFENSE WHICH WILL FOLLOW SEPTTEL. EMBASSY REQUESTED TO SEEK EXTENSION OF TIME TO SUBMIT THIS

MEMORANDUM OF LAW AS WELL AS THE AFFIDAVITS CARRIED BY MR. FELDMAN. WE WOULD HOPE THAT COURT WOULD DELAY ITS DECISION UNTIL WE HAVE HAD OPPORTUNITY TO PRESENT THESE DOCUMENTS. KISSINGER

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